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11 *Attorneys for the United States*

12 **UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 vs.

17 DARNELE NELSON,

18 Defendant.

19 Case No: 2:20-cr-00195-APG-EJY

20 **Stipulation to Continue
Deadline for Government's Response to
Defendant's Motion to Dismiss Indictment
(ECF 28) and Motion to Suppress (ECF 29).**

21 (First Request)

22 IT IS HEREBY STIPULATED AND AGREED, by and between CHRISTOPHER
23 CHIOU, Acting United States Attorney, and Kimberly M. Frayn, Assistant United States
24 Attorney, counsel for the United States of America, and Todd M. Leventhal, Esq., counsel for
Defendant DARNELE NELSON, that the deadline for Government's Response to
Defendant's Motion to Dismiss Indictment (ECF 28) and Motion to Suppress (ECF 29),
currently set for Thursday, August 19, 2021, be vacated and continued for a week, up to and
including Thursday, August 26, 2021.

25 This stipulation is entered into for the following reasons:

26 1. Government counsel needs a very brief amount of additional time, a week, up to
27 and including Thursday, August 26, 2021, to complete its research, draft, and finalize

appropriate responses to Defendant's motions (ECF 28 and 29). Nelson's motions, if granted, would be dispositive of the matter and the government should be allowed sufficient time to file appropriate responses.

2. Nelson is not in custody and does not object to the continuance.

3. Trial is set for January 3, 2022 and will not be negatively impacted by this brief weeklong extension of time to file the government's responses.

4. The parties agree to the extension of time for the government to file its responses.

5. The requested short extension of time will not unduly prejudice the defendant and is not sought for purposes of mere delay, but to provide the government the necessary time to file appropriate responses. For the reasons stated above, the ends of justice would best be served by a continuance of the deadlines.

6. Additionally, denial of this request for continuance of the deadlines could result in a miscarriage of justice.

7. This is the first request for a continuance of the deadlines to file the responses as set forth herein.

DATED this 13th day of August, 2021.

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Todd M. Leventhal, Esq.
Todd M. Leventhal, Esq.
Counsel for Defendant Nelson

/s/ Kimberly M. Frayn
KIMBERLY M. FRAYN
Assistant United States Attorney

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2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF NEVADA**

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6 UNITED STATES OF AMERICA,
7 Plaintiff,
8 vs.
9 DARNELE NELSON,
10 Defendant.

11 Case No: 2:20-cr-00195-APG-EJY

12 **Findings of Fact, Conclusions
13 of Law, and Order**

14 **FINDINGS OF FACT**

15 Based upon the pending Stipulation of counsel, and good cause appearing therefore, the
16 Court finds that:

17 1. Government counsel needs a very brief amount of additional time, a week, up to
18 and including Thursday, August 26, 2021, to complete its research, draft, and finalize
19 appropriate responses to Defendant's motions (ECF 28 and 29). Nelson's motions, if granted,
20 would be dispositive of the matter and the government should be allowed sufficient time to file
21 appropriate responses.

22 2. Nelson is not in custody and does not object to the continuance.

23 3. Trial is set for January 3, 2022 and will not be negatively impacted by this brief
24 weeklong extension of time to file the government's responses.

25 4. The parties agree to the extension of time for the government to file its responses.

26 5. The requested short extension of time will not unduly prejudice the defendant
27 and is not sought for purposes of mere delay, but to provide the government the necessary time
28 to file appropriate responses. For the reasons stated above, the ends of justice would best be
29 served by this short extension of time.

served by a continuance of the deadlines.

6. Additionally, denial of this request for continuance of the deadlines could result in a miscarriage of justice.

7. This is the first request for a continuance of the deadlines to file the responses as set forth herein.

CONCLUSIONS OF LAW

Based on the parties' stipulation and agreement to allow the government additional time to file its responses and for good cause shown, the extensions of time is granted.

ORDER

IT IS THEREFORE ORDERED that the deadline for Government's Response to Defendant's motions, currently scheduled for August 19, 2021, be vacated and continued to August 26, 2021.

DATED this 13th day of August, 2021.

Elayna J. Youchah
HONORABLE ELAYNA J. YOUCRAH
UNITED STATES MAGISTRATE JUDGE